

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6231 Proposed amendments to Auburn City Code Chapters 18.22, 18.50, and 18.52 relating to residential conversions (ZOA09-0001).		Date: April 14, 2009
Department: Planning, Building and Community	Attachments: Ordinance No. 6231, Morchin comment letter, and Planning Commission meeting minutes.	Budget Impact: N/A

Administrative Recommendation: City Council introduce and adopt Ordinance No. 6231.

Background Summary:

Over the past year the conversions of single family residential homes to non-residential (business) uses has increased. With this increase, it has come to light that existing regulations can make the conversion process challenging for citizens. Also conversions of residential to non-residential uses tend to be done by small business or single owners, not an experienced developer.

Draft code amendments addressing the development standards, landscaping requirements, and parking regulations in the Residential Office (RO) zone were brought before the Planning & Community Development Committee and Planning Commission for discussion. In general, the amendments allow for flexible development standards if keeping the existing single family structure for the business, reduced landscaping requirements, and flexible parking options.

On March 3, 2009, the Auburn Planning Commission held a public hearing on the proposed code amendments for proposed changes to the Residential Office zone, landscaping requirements, and parking regulations. The Planning Commission is advisory to the City Council and made a recommended approval of the proposed code amendments.

The Planning and Community Development Committee reviewed the proposed amendments at their March 23, 2009 meeting and discussed comments provided by Mr. Morchin. The Committee did not recommend any substantive changes to the proposed amendments, however, staff will be working on administrative procedures to process these types of application with a central staff person to walk the applicant through the process. The Public Works Committee reviewed the proposed amendments on April 6, 2009.

L0420-5
O3.4.2.1.2

Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input checked="" type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>	Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
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Action:

Committee Approval: ☐ Yes ☐ No
 Council Approval: ☐ Yes ☐ No
 Referred to _____ Until ____/____/____
 Tabled _____ Until ____/____/____
 Call for Public Hearing ____/____/____

Councilmember: Norman	Staff: Baker
Meeting Date: April 20, 2009	Item Number: VIII.A.2

A. Findings

1. Title 18 of the Auburn City Code (ACC), related to zoning, includes Chapter 18.22 entitled "RO Residential Office and RO-H Residential Office Hospital District", Chapter 18.50 entitled "Landscaping and Screening", and Chapter 18.52 entitled "Off Street Parking and Loading." ACC Chapters 18.22, 18.50, and 18.52 provide for regulation of residential office development, required landscaping treatments, and parking standards within the City of Auburn.
2. The Residential Office zone is intended to accommodate small-scale businesses that are compatible with residential uses. The goal of the proposed code amendments is also to encourage re-use of the existing single family structure when converting to a non-residential use.
3. In general, the amendments will allow a greater range of flexibility for conversions of single family residential to non-residential uses primarily with respect to parking and landscaping standards. A more detailed explanation is included under Finding #11, below.

Existing legally established businesses that do not conform to the revised parking standards would be allowed to continue as non-conforming uses with respect to the parking aspect of their operation. Existing facilities' parking facilities would not have to change unless the use changes or modifications are made that would increase the square footage. The revised regulations will primarily effect new development.

4. These code amendments are supported by the City of Auburn Comprehensive Plan. The Comprehensive Plan land use map descriptions (Auburn Comprehensive Plan, Chapter 14) for the "Office Residential" designation state, in part,

"Office Residential

Purpose: To reserve areas to accommodate professional offices for expanding medical and business services, while providing a transition between residential uses and more intensive uses and activities."

5. A Proposed Determination of Non-Significance was issued for the proposed amendments to Chapters 18.22, 18.50, and 18.52 on February 4, 2009. Staff has received a comment letter from Mr. Bill Morchin, a property owner currently working on a residential conversion, on the proposed amendments along with suggested language for the proposed amendments.
6. Pursuant to RCW 36.70A.106, the proposed zoning code amendments outlined in this agenda bill were sent to the Washington State Office of Community, Trade, and Economic Development (CTED) and other state agencies as required for the 60-day state review and were received by CTED on February 6, 2009. The City received an acknowledgement letter via email on February 9, 2009. No comments were received from CTED or other state agencies as of the writing of this report.
7. The public hearing notice was published on February 16, 2009 in the Seattle Times at least 10-days prior to the Planning Commission public hearing on March 3, 2009.

8. The Planning Commission held a public hearing on March 3, 2009, took public testimony, and made a recommendation to the City Council.
9. The Planning and Community Development Committee reviewed the proposed amendments at their March 23, 2009 regular meeting and recommended approval, with modifications, to the full City Council at their April 13, 2009 meeting.
10. The Public Works Committee reviewed the proposed amendments at their April 6, 2009 meeting.
11. The following report outlines the proposed amendments to Chapters 18.22, Residential Office District, 18.50 Landscaping and Screening, and 18.52 Off-Street Parking and Loading:

Discussion

When converting a single family residence to a non-residential use (e.g. professional office) additional zoning code requirements apply beyond what would normally be required for a single family structure. For example, change of use is considered a new use and additional landscaping and parking are required. As conversions of single family structures to non-residential uses are becoming more prevalent in the Residential Office zone, it has come to the attention of staff that the existing regulations are not conducive to conversions.

The intent of the recommended zoning code text changes is to create some flexibility in the development standards for the Residential Office zone; providing incentives to utilize the existing structure rather than rebuilding on site. Demolition and significant structure modifications could alter the character of existing neighborhoods, and with increased flexibility in the standards this lends itself to the option of retaining the home with limited changes.

Staff proposes changes to Chapter 18.50, Landscaping and Screening, to allow utilization of the existing landscaping to meet the intent of the code for residential conversions. Staff also recommends changes to Chapter 18.52, Off street Parking and Loading, to allow options to meet the required parking depending on use. The proposed changes would permit one on-street parking space to count towards satisfying the required off-street parking total, also allow tandem parking for employees, and encourage the use of pervious pavement, where appropriate, to reduce stormwater run-off.

It is important to note that converting a single family residence to non-residential uses (e.g. professional offices) is a "change of use" which triggers commercial standards for zoning, building, and city design and construction standards. However, the recommended code changes attempt to streamline the regulations to recognize that these types of "change of use" are within established single family neighborhoods and maintain the single family character while allowing small scale commercial uses.

To address the comments provided by Mr. Morchin staff has outlined a response to each:

- a. Page 3, Section H – Staff incorporated the comment about side streets within 250 feet of the property.
- b. Page 3, Section H – Staff did not strike "one". Staff proposes credit for only one parking space because if more than one space credit were allowed, there would

likely be an adverse impact to the other on-street parking serving the existing residential property owners.

- c. Page 3, Section E – Operating procedures are an administrative function not a legislative one that would be outlined in the zoning code.
- d. Page 4, Section C1 – The proposed code changes address specifically residential conversions, see section C4. By changing C1 that would apply to any development within the RO zone and that is not the goal of the proposed amendments.
- e. Page 4, Section C4 – Staff deleted the word protected as suggested.
- f. Page 6, Section A and F – An irrigation system is not required and manual maintenance of landscaping is acceptable, however the landscaping does need to be maintained. There is a requirement that if new lawn is installed and substituted for required shrubs and groundcover then a permanent irrigation system is required. It is important to remember that these regulations apply to all development within the City not just residential conversions.
- g. Page 8 – Staff did not add any additional language about consistency with adjacent properties because that intent is addressed within the Residential Office zone.
- h. Page 10, Section 6 – The proposed new section is not a duplicate because for residential conversions the recommendation is for an administrative decision.
- i. Page 14 and 15 – Pursuant to RCW 82.02.060 cities may exempt land uses from impact fees determined to have a broad public purpose. Nothing in the statute speaks to a reduction of impact fees. The City needs to be extremely cautious to not arbitrarily reduce a specific impact fee category. If the City makes a decision on granting an exemption to traffic impact fees then those fees still need to be paid for by public funds other than the traffic impact fee account and would likely be from the City's general funds. The City Council has done this in very limited cases within the downtown only with an intent to provide an incentive for re-development in the downtown area.

In response to the property dedication statement; if pursuant to the City's standards it is necessary for the applicant to dedicate property then they must do so without compensation. If the City requires additional right-of-way after the development is vested or beyond our standards then the City would need to provide compensation and that process is governed by state law.

Staff Recommendation

Approval

Planning Commission Recommendation

Approval of the proposed code amendments with changes.

Planning and Community Development Committee Recommendation

Approval of the proposed code amendments with changes:

- Page 2 Agenda Bill – clarified Finding 3.
- Page 2 and 3 Ordinance – changed “over the lifetime of the property” to “a total or cumulative 200 square feet on the property since the adoption of Ordinance No. 6231.”
- Page 10 Ordinance – Auburn City Code Section 18.52.010(B)(4); the Committee requested that this section be modified for residential conversions when there is a change of use between one business and another (e.g. accountant to a doctor's office).

ORDINANCE NO. 6 2 3 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 18.22.010, 18.22.040, 18.22.060, 18.50.050, 18.50.060, 18.50.080, 18.52.010, 18.52.050, 18.52.090, 18.52.125 AND 10.36.268 OF THE AUBURN CITY CODE RELATING TO THE CONVERSIONS OF SINGLE FAMILY RESIDENCES TO NON-RESIDENTIAL USES WITHIN THE RESIDENTIAL OFFICE DISTRICT

WHEREAS, conversions of single family residences to non-residential uses within Residential Office district has increased; and

WHEREAS, the existing regulations can make the conversion process challenging for citizens; and

WHEREAS, following proper public notice, the City of Auburn Planning Commission held a public hearing on March 3, 2009, on proposed code amendments regarding residential conversions within the Residential Office district; and

WHEREAS, after fully considering the testimony and information presented at the public hearing, on March 3, 2009, the Planning Commission made its recommendations for code amendments to the Auburn City Council; and,

WHEREAS, the City Council has reviewed and considered the Planning Commission recommendations; and,

WHEREAS, environmental review on the proposal has been completed in accordance with the requirements of the State Environmental Policy Act (SEPA), with a determination of non-significance (DNS) issued February 4, 2009; and,

WHEREAS, the City Council finds that the proposal was received by State agencies for the 60-day review period on February 9, 2009, also in accordance with state law, RCW 36.70A.106.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code.

That section 18.22.010, of the

Auburn City Code be and the same hereby is amended to read as follows:

18.22.010 Intent.

The RO and RO-H zone is intended primarily to accommodate small-scale business and professional offices, medical and dental clinics, banks and similar financial institutions at locations where they are compatible with residential uses. Some retail and personal services may be permitted if supplemental to the other uses allowed in the zone. This zone is intended for those areas that are in transition from residential to commercial uses along arterials or near the hospital. Conversion of residential uses to commercial uses is geared towards encouraging adaptive re-use of existing single family structures that continue to appear in accord with the single family residential character.

The RO-H designation is to be used exclusively for the hospital area, located in the vicinity of 2nd Street N.E. and Auburn Avenue, and is intended to be used for medical and related uses and those uses compatible with the medical community. (Ord. 4562 § 2 (Exh. A), 1992; Ord. 4229 § 2, 1987.)

Section 2. Amendment to City Code.

That section 18.22.040 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.22.040 Development standards for RO designation.

A. Minimum lot area: 7,200 square feet.

B. Minimum lot width: 50 feet.

C. Minimum lot depth: 80 feet.

D. Maximum lot coverage: ~~55 percent.~~

1. New single family residential or conversions of single family residences to commercial uses with additions greater than a total or cumulative of 200 square feet on the property since the adoption of Ordinance No. 6231, then the maximum lot coverage is 35 percent.

2. All other: maximum lot coverage is 55 percent.

E. Maximum building height: ~~35 feet.~~

1. New single family residential or conversions of single family residences to commercial uses with additions greater than a total or cumulative of 200 square feet on the property since the adoption of Ordinance No. 6231, then the maximum height is 25 feet.

2. All other: Maximum building height is 35 feet.

F. Minimum yard setbacks:

1. Front: ~~20 feet;~~

a. New single family residential or conversions of single family residences to commercial uses with additions of 200 square feet or less; then the front yard setback is 10 feet.

b. All other: front yard setback is 20 feet.

2. Side, interior: five feet;

3. Side, street: 10 feet;

4. Rear: 25 feet;

a. New single family residential or conversions of single family residences to commercial uses with additions of 200 square feet or less; then the rear yard setback is 15 feet.

b. All other: rear yard setback is 25 feet.

5. Accessory structures shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet; provided, that any structure with a vehicular entrance from a street (public or private) or public alley shall be set back a minimum of 20 feet.

G. Fences and hedges: see Chapter 18.48 ACC.

H. Parking: see Chapter 18.52 ACC. Parking must be set back a minimum of 10 feet from a street. For conversions to commercial use, if on-street parking is currently allowed along the property frontage or within 250 feet of the property, a credit of one parking space will be counted towards the minimum off-street parking required.

I. Landscaping: see Chapter 18.50 ACC.

J. Signs: see Chapter 18.56 ACC. (Ord. 5777 § 1, 2003; Ord. 4562 § 2 (Exh. A), 1992; Ord. 4304 § 1(13), 1988; Ord. 4229 § 2, 1987.)

Section 3. Amendment to City Code.

That section 18.22.060 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.22.060 Supplemental development standards for both the RO and RO-H designations.

A. All uses shall be conducted entirely within an enclosed structure, except noncommercial municipal automobile parking facilities in the RO-H zone.

B. There shall be no outside storage of materials allowed.

C. Refuse cans, containers or dumpsters shall be screened from the view of adjoining properties.

D. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (Chapter 70.105 RCW). (Ord. 5733 § 2, 2003; Ord. 4562 § 2 (Exh. A), 1992; Ord. 4294 § 3, 1988; Ord. 4229 § 2, 1987.)

E. Any new construction, including additions and alterations, within the RO district shall utilize similar bulk, scale, and architectural and landscape elements of

the existing site structure or those of the neighborhood in which the property is located. A site plan and building elevation plans shall be prepared by the applicant which addresses compliance with the requirements as outlined in this subsection. The plans shall be approved by the Planning, Building, and Community Director or designee prior to the issuance of any building permits.

F. The Planning, Building, and Community Director and the Public Works Director or designees may deviate from the development standards under Section 18.22.040 up to 10 percent, for example reduce rear yard setback by 1.5 feet, to address unusual circumstances for conversions of single family residential uses to non-residential uses.

Section 4. Amendment to City Code.

That section 18.50.050 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.50.050 Regulations by zone.

A. R-R, R-S, LHRS, R-1, LHR1, R-2, LHR2, R-3, and LHR3 Districts. Landscaping shall only be required in conjunction with a conditional use permit. The type and amount to be determined at that time the CUP is approved.

B. R-4 and LHR4 Districts.

1. Street frontage: five-foot width of Type III;
2. Adjacent to R-R, R-S, LHRS, R-1, LHR1, R-2, or LHR2 zone: five-foot width of Type III, adjacent parking or driveways will require a five-foot width of Type II;

3. Adjacent to R-3 or LHR3 zone: five-foot width of Type IV, adjacent parking or driveways will require a five-foot width of Type III.

C. RO and RO-H Districts.

1. Street frontage: 10-foot width of Type III;
2. Adjacent to R-R, R-S, R-1, R-2, or R-3 zone: 10-foot width of Type III, adjacent parking or driveways will require a 10-foot width of Type II;

3. Adjacent to R-4, R-MHP: five-foot width of Type IV, adjacent parking or driveways will require a five-foot width of Type III.

4. For conversions of single family residences to commercial uses within the RO district: existing healthy landscaping may be retained and utilized or supplemented to meet the intent of the code requirements as determined by the Planning, Building, and Community Director or designee. See Section 18.50.060 for plan requirements.

D. I, LHI, C-1, LHC1, C-2, C-N, P-1, and LHP1 Districts.

1. Street frontage: five-foot width of Type III, no street frontage landscaping is required for the C-2 zone except for parking lots and as may be required by ACC 18.28.050(F);

2. Adjacent to R-R, R-S, LHRS, R-1, LHR1, R-2, LHR2, R-3, or LHR3 zone: five-foot width of Type II, adjacent parking or driveways will require a five-foot width of Type I;

3. Adjacent to R-4, LHR4, RO, RO-H, R-MHP, or LHRMHP zone: five-foot width of Type III, adjacent parking or driveways will require a five-foot width of Type II.

E. C-3, LF Districts.

1. Street frontage: five-foot width of Type III;

2. Adjacent to R-R, R-S, R-1, R-2, or R-3 zone: 10-foot width of Type II, adjacent parking or driveways will require a 10-foot width of Type I;

3. Adjacent to R-4, RO, RO-H or R-MHP zone: 10-foot width of Type III, adjacent parking or driveways will require a 10-foot width of Type II;

4. Outdoor storage yards adjacent to any C, P, I or M-1 zone.

F. M-1 District.

1. Street frontage: 10-foot width of Type III, an additional 10-foot width will be required when loading and unloading docks face a street. In lieu of the additional 10-foot width of Type III landscaping, a Type II landscaping may be provided;

2. Adjacent to any R zone: 10-foot width of Type I;

3. Adjacent to I, C-1, C-2, P-1, or C-N zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;

4. Adjacent to C-3, LF zone: 10-foot width of Type III, adjacent outdoor storage yards will require a 10-foot width of Type I;

5. For those buildings that have frontage on a street a minimum of a 10-foot width of Type III landscaping shall be placed next to the building;

6. Outdoor storage yards adjacent to other M-1 zoned property shall have a minimum width of a five-foot Type I landscaping;

7. Adjacent to the Interurban Trail. Outdoor storage yards adjacent to the Interurban Trail (regardless of the zoning of the Interurban Trail) shall have a minimum 10-foot width of Type I landscaping.

G. M-2 District.

1. Street frontage: 10-foot width of Type III;

2. Adjacent to any R zone: 30-foot width of Type I;

3. Adjacent to I, C-1, C-2, P-1, or C-N zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;

4. Adjacent to C-3 or LF zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;

5. For those buildings that have frontage on a street a minimum of a 10-foot width of Type II landscaping shall be placed next to the building.

H. BP District. The amount and type of landscaping shall be determined at the time of the approval of the business park. The landscaping requirements shall however be guided by the M-1 requirements and a minimum of 15 percent of the business park shall be landscaped.

I. EP District.

1. Except as provided for in subsection (I)(2) of this section, all required yards shall be landscaped with Type III landscaping.

2. The planning director may reduce the width of required landscaping by up to 50 percent for projects employing drip irrigation or similar water conservation measures, use of native plant materials, or xeriscaping.

3. In no case shall less than 15 percent of the lot be landscaped.

4. Outdoor storage areas shall be screened with a minimum width of five-foot Type I landscaping. (Ord. 6036 § 3, 2006; Ord. 5863 § 5, 2004; Ord. 5342 § 2, 2000; Ord. 4914 § 1, 1996; Ord. 4304 § 1(36) – (39), 1988; Ord. 4229 § 2, 1987.)

Section 5. Amendment to City Code.

That section 18.50.060 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.50.060 General landscape requirements.

A. Application. A landscape plan shall be required and shall be accurately drawn using an appropriate engineering scale and shall illustrate the following:

1. Adjacent streets, public and private;
2. Boundaries and dimensions of site;
3. Location of on-site buildings;
4. Location of on-site parking areas;
5. Location and size of landscape areas;
6. Location, species and size of planting materials;
7. Location of outdoor storage areas;
8. Location of significant trees;
9. Location of water source(s).

If the subject property is located within the RO district a landscape plan signed by a licensed landscape architect is not required however a plan shall be prepared by the applicant providing a written record of landscaping to be retained and maintained, and generic naming of vegetation is acceptable. The plans shall be approved by the Planning, Building, and Community Director or designee prior to issuance of any building permits.

B. Driveways and Pedestrian Walkways. Landscaping is generally required along all street frontages with the exception of driveways and pedestrian walkways within the property.

C. Fences. When fences and landscaping are required along the property line, the fence shall be set back of the landscaping if the fence abuts a street, so as to not obscure such landscaping. At other property lines the landscaping shall be located to serve the greatest public benefit.

D. Irrigation. No portion of any landscaped area shall be located further away than 50 feet from a source of water adequate to irrigate the landscaping.

E. Lawn Substitution. Sodded lawn may be substituted for the required shrubs or ground cover but all portions of the lawn area must be served by an automatic irrigation system.

F. Maintenance.

1. The property owner shall be responsible for replacing any unhealthy or dead plants for a period of two years after the initial planting.

2. The building official shall require a maintenance assurance device, unless converting a single family residence to a non-residential use within the RO district, for a period of one year from the completion of planting in order to ensure compliance with the requirements of this section. The value of the maintenance assurance device shall equal at least 50 percent of the total landscape materials.

3. If the landscaping is not being properly maintained, the property owner shall be so notified by the city. If after 30 days from the city's notification the landscaping is still not being maintained then the maintenance device may be used by the city to perform any type of maintenance necessary to ensure compliance with this chapter.

4. The maintenance assurance device shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform any necessary work. The agreement shall also hold the city harmless from all claims and expenses, including attorney's fees.

5. Upon completion of the one-year maintenance period, and if maintenance has not been performed by the city, the city shall release the maintenance assurance device.

G. Outdoor Storage. Outdoor storage yards that are visible from a street or are adjacent to residentially zoned property shall be screened by a minimum of a five-foot width of Type I landscaping. Additional width may be required to comply with ACC 18.50.050.

H. Parking Lots.

1. A planter area shall be required along the entire street frontage(s), except driveways and walkways; provided, that no sight-obscuring plants will be allowed whenever safe sight clearance is necessary for ingress and egress from a public street. The width of the planter area shall be as required in ACC 18.50.050(A) through (H) for street frontages;

2. All lots with more than 12 spaces, a 100-square-foot planter area shall be required at the end of each single row of parking, but in no case shall there be more than 10 parking spaces between any required planter area. The location of the planter area may be varied upon evidence submitted which shows that the intent of the landscaping requirements have not been lessened. Any variation must receive planning director approval;

3. Each planter area shall contain at least one tree, a minimum of one and one-half to two inches in caliper. For planter areas in excess of 30 feet in length, more trees are required and shall be spaced not further than 30 feet apart;

4. Each planter area shall contain shrubs, spaced three feet on center, and be a minimum of one gallon in size;

5. ~~Residential and nonresidential parking lots with five or less spaces, and nonresidential parking lots, with three or less spaces,~~ shall be exempt from the parking lot landscape requirements.

I. Performance Assurance.

1. The required landscaping must be installed prior to the issuance of the certificate of occupancy unless the building official determines that a performance assurance device will adequately protect the interests of the city;

2. The performance assurance device shall only be valid for a 120-day period and shall have a value of 100 percent of the estimated cost of the landscaping to be performed. If the landscaping has not been installed after the 120 days then the assurance device may be used by the city to perform any necessary work to implement the landscape plan;

3. The performance assurance device shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform work. The agreement shall also hold the city harmless from all claims and expenses, including attorney's fees;

4. Upon completion of the required landscaping by the property owner the city shall release the performance assurance device.

J. Private Property. All required landscaping shall be located entirely on private property. When landscaping is required to separate adjacent uses, the landscaping shall run the full length of the adjacent property.

K. Sight Hazards. The building official and/or city engineer may review and modify landscape plans which may affect visibility for ingress, or egress, corner lots or other intersections. Any reduction of landscaping shall be made up elsewhere on-site.

L. Significant Trees. All significant trees, as defined by ACC 18.50.030(E), shall be retained and made part of the landscape plan.

M. Species. The applicant shall utilize plant materials which complement the natural character of the Pacific Northwest.

N. Landscaped Berms. In addition to the minimum landscape requirements of ACC 18.50.050, landscaped berms may be required to mitigate any impacts associated with a specific project. The berms may be applied through an administrative or conditional use permit, contract rezone, or as a condition associated with a mitigated determination of nonsignificance or environmental impact statement. The minimum height of the earth creating the berm shall be three feet and have a slope no greater than two-foot horizontal to one-foot vertical. (Ord. 4914 § 1, 1996; Ord. 4229 § 2, 1987.)

Section 6. Amendment to City Code.

That section 18.50.080 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.50.080 Modification of landscaping requirements.

A. The director may authorize a reduced width of planting or waive some or all of the landscaping requirements if the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this chapter and which, in the opinion of the director, provides a superior level of buffering/screening. Alternative landscaping techniques may include the use of native

vegetation existing on site, the use of berms or increasing perimeter landscape width in strategic locations.

B. Within the RO district, the Planning, Building, and Community Director or designee may authorize employment of alternate landscape methods provided that the vegetation is maintained pursuant to Section 18.50.070. (Ord. 5863 § 6, 2004.)

Section 7. Amendment to City Code.

That section 18.52.010 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.52.010 General.

A. Off-street parking and loading lots shall be provided in accordance with the following provisions of this chapter for every building or use hereafter erected, altered, enlarged, or relocated.

1. Any new building, use or structure shall provide the required parking to the standards specified in this chapter. The provision of additional parking is not required for a change of use in existing buildings in the C-2 zoning district.

2. Whenever a new building replaces an existing building or there is an expansion of an existing building within the C-2 zoning district, the requirements of this section shall apply only if there is an increase in floor area of 25 percent or more (including the cumulative increase of previous expansions after the effective date (April 1, 1997) of the ordinance amending this section).

3. Any parking lot hereafter physically altered shall comply with all of the provisions of this chapter, except that such lot which provides five percent of its area in landscaping shall be deemed to comply with ACC 18.50.060(H).

4. Any parcel of land that is used or is intended to be used as a parking area shall be improved pursuant to the provisions of this chapter. This shall include all parking areas whether or not required by this chapter except as provided in ACC 18.52.060(A) and (B).

5. For existing parking lots that are resurfaced in excess of 50 percent of its area, then at least five percent of the entire parking area shall be landscaped consistent with Chapter 18.50 ACC.

6. If existing parking lots are restriped, then the new layout of the parking spaces shall be the same as the previous layout or, if changed, then the changed layout shall conform to the existing dimensional requirements of this chapter.

B. These regulations shall not be retroactive to include any building or use existing at the time of passage of the ordinance codified in this chapter, except as follows:

1. When a building is located on a different site, there shall be provided off-street parking and loading spaces as required for new buildings.

2. When the number of units is increased by alteration or addition to a dwelling or other structure containing sleeping rooms, there shall be provided off-street parking and loading spaces for such additional units. When there are other

alterations to a residential structure, the requirements of this chapter shall apply whenever the value of such alterations or the cumulative value of previous alterations after the effective date (April 1, 1997) of the ordinance amending this section exceeds 50 percent of the assessed valuation of the structure.

3. When there are alterations or additions to a nonresidential building outside the C-2 zoning district, there shall be provided off-street parking and loading spaces for any increase, including any cumulative increase of previous additions or alterations after the effective date (April 1, 1997) of the ordinance amending this section, in the gross floor area or number of seats, bowling lanes or classrooms therein, except that when the aggregate number of spaces required for such alterations or additions is five or less, the off-street parking need not be provided.

4. Whenever any existing, nonresidential use in a building outside of the C-2 zoning district is changed to another use in the same building, the requirements of this section shall apply in full to the new use if and only if the change in parking requirements between the old and new uses is greater than five spaces.

5. Within the RO district, any existing, nonresidential use is changed to another use, the requirements of this chapter shall apply in full to the new use if and only if the change in parking requirements between the old and new uses is greater than two spaces; except that if the applicant submits an alternate parking plan justifying that the existing parking meets the needs of the new use the Planning, Building, and Community Director may authorize through the special exception process.

6. Whenever there is a change from a residential use to a nonresidential use in an existing building, the requirements of this title shall apply in full to the new use; except that the hearing examiner by means of a special exception may determine that a portion of the residential structure cannot be effectively utilized by the proposed commercial use and such area then may be excluded from the gross floor area used to compute the parking requirement.

7. Whenever there is a change from a residential use to a nonresidential use in an existing building within the RO district, the requirements of this title shall apply in full to the new use; except that the Planning, Building, and Community Director by means of a special exception may determine that a portion of the residential structure cannot be effectively utilized by the proposed commercial use and such area then may be excluded from the gross floor area used to compute the parking requirement.

8. Whenever there is a change from a residential use to a nonresidential use in an existing building within the RO district, the requirements of this title shall apply in full to the new use; except if the structure is being used as both a residence and business the Planning, Building, and Community Director by means of a special exception may approve a parking plan to meet the parking requirements for both uses.

C. The required parking and/or loading shall have reasonable access to a street or alley and a capacity according to the use of the building listed in the following sections.

D. Where a use is not listed, the planning director shall determine the number of required parking and/or loading spaces based upon similar uses for which the requirements are specified.

E. Removal of required parking and/or loading spaces from practical use by obstruction, erection of buildings, or other actions as to reduce the parking and/or loading capacity or usefulness thereof below the minimum requirements established in this chapter is prohibited.

F. "Gross floor area" includes all floor area within the exterior walls of the building including area in halls, storage, and partitions, but excluding furnace and similar utility space used solely to maintain the building for occupancy.

G. "Parking area" includes the parking spaces together with driveways and the access to a street.

H. "Gross leasable area" is the gross floor area reduced by the area of public lobbies, common mall areas, permanently designated corridors, and atriums or courtyards provided solely for pedestrian or merchandise access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes. (Ord. 4949 § 1, 1997; Ord. 4229 § 2, 1987.)

Section 7. Amendment to City Code.

That section 18.52.050 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.52.050 Off-street parking area development and maintenance.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained as follows:

A. The parking areas on private property, including interior driveways and access to a public street, shall be paved with asphalt concrete or cement concrete pavement and shall have appropriate bumper guards where needed. Where a driveway crosses an improved public right-of-way, it shall be constructed with cement concrete. All pavement sections shall be designed to support the post development traffic loads anticipated due to the intended use as approved by the city engineer.

For properties within the RO district converting from single family residential to a nonresidential use, alternative pervious surfaces may be utilized as approved by the City Engineer. Required ADA parking space(s) shall meet all current ADA standards pursuant to current state requirements.

B. Parking areas shall be used for vehicle parking only, with no sales, unless permitted elsewhere by this title, dead storage, repair work, or dismantling of any kind.

C. If lighting is provided, it shall be hooded, shielded, directed downward and not exceed one-half foot-candle at the property line.

D. Drainage facilities for storm water are required and shall be approved by the public works department.

E. Ingress and egress shall be approved as to location and design by the public works department.

F. A six-inch extruded concrete curb shall be provided around landscaped islands, peninsulas or similar features.

G. Driveways and parking stalls shall be clearly marked. Driveways or aisles that serve emergency access shall have a 20-foot minimum width, an unobstructed vertical clearance of at least 13 feet six inches (see ~~UFC-902.2.2.1~~), and be clearly marked.

H. Landscaping: see Chapter 18.50 ACC.

I. Sidewalks or pedestrian walkways shall be visibly marked with striping or differentiated pavement.

J. For parking lots in excess of 50 spaces, the design shall be approved by the city engineer and the planning director. Designs shall be reviewed for dimensional and landscaping requirements, drainage, pavement, pedestrian amenities, circulation, arterial access and queuing and driveway locations, bicycle parking location, lighting and signage.

K. The maximum grade of driveways should be no more than 12 percent. Grades of up to 15 percent may be allowed upon approval by the city engineer and the planning director. A landing approach area shall be provided with a grade not exceeding eight percent. (Ord. 4949 § 1, 1997; Ord. 4229 § 2, 1987.)

Section 8. Amendment to City Code.

That section 18.52.090 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.52.090 Parking space dimensional requirements.

A. Standard Sized Parking Spaces.

1. Standard sized parking spaces parallel to the driveway or aisle serving them shall be a minimum of nine feet wide and 22 feet long. Driveways or aisles serving standard sized parallel spaces shall be a minimum of 12 feet wide.

2. Standard sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table, and further defined by subsection C of this section; provided, that aisle widths shall not be less than 10 feet.

			One-Way	Two-Way
A	B	C	D	D
30	9.0'	17.3'	12.0'	20.0'
45	9.0'	19.8'	15.0'	20.0'
60	9.0'	21.0'	18.0'	20.0'
90	9.0'	19.0'	24.0'	24.0'

B. Compact Sized Parking Spaces.

1. In any off-street parking lot up to 30 percent of the spaces may be designated as "compact" spaces and be developed according to the minimum

dimensional requirements for compact spaces established under this section. Municipally owned/leased automobile parking facilities may designate up to 50 percent of the spaces as "compact."

2. In the RO district all parking spaces may be compact, except the required handicap space shall meet the current ADA standards.

32. Compact sized parking spaces oriented parallel to the driveway or aisle serving them shall be a minimum of eight feet wide and 20 feet long. Driveways or aisles serving compact sized parallel parking spaces shall be a minimum of 11 feet wide.

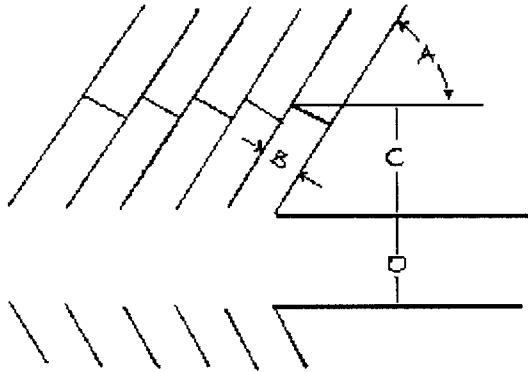
43. Compact sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table and further defined by subsection C of this section; provided, that aisle widths shall not be less than 10 feet.

A	B	C	One-Way	Two-Way
			D	D
30	8.0'	14.9'	10.0'	20.0'
45	8.0'	17.0'	13.0'	20.0'
60	8.0'	17.9'	16.0'	20.0'
90	8.0'	16.0'	22.0'	22.0'

54. Every compact parking space created pursuant to this section shall be clearly identified as such by painting the word "COMPACT" in upper case block letters, using white paint, on the pavement within the space. The additional use of signs to identify any large blocks of compact parking spaces is encouraged. The random distribution of compact spaces or blocks of compact spaces throughout a parking lot is also encouraged.

65. Existing parking lots may provide for compact parking spaces under the provisions of this section; provided, that the parking lot shall comply with all provisions of this chapter except that any parking lot which provides five percent of its area in landscaping shall be deemed to comply with all landscaping requirements.

C. When determining the minimum dimensional requirements for standard and compact parking spaces oriented at an angle to the driveway or aisle serving them, the following figure shall be consulted.



D. Off-street parking lots shall comply with the handicapped parking space requirements.

E. Overhang parking may be permitted.

1. The overhang area need not be paved but must be landscaped with deciduous trees planted 30 feet on center and groundcover or sodded lawn provided. The trees shall be planted to avoid conflict with the vehicles. No overhang landscape areas, created exclusively for overhang parking, shall be considered to meet the landscape requirements of this title. The overhang landscape area must be a minimum width of five feet; however, the maximum overhang allowed into the landscaped area shall be two feet. Overhangs into otherwise required landscaped areas are not permitted unless the width of the landscaped area is increased by at least two feet and the plant material increased accordingly.

2. All parking spaces with overhangs shall have appropriate wheel stops provided. (Ord. 5733 § 4, 2003; Ord. 4949 § 1, 1997; Ord. 4229 § 2, 1987.)

Section 9. Amendment to City Code.

That section 18.52.125 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.52.125 Stacked parking.

Stacked parking, i.e., parking one car behind another, is permitted for funeral homes, and single-family homes, and for designated employee parking within the RO district only, unless the use has complied with the requirements of ACC 18.52.030(E). (Ord. 4949 § 1, 1997.)

Section 10. Amendment to City Code.

That section 10.36.268 of the

Auburn City Code be and the same hereby is amended to read as follows:

10.36.268 Disabled parking - Violation.

A. A parking space or stall for a physically disabled person shall be indicated by:

1. A painted state-approved handicap symbol on the pavement situated in the center of the parking stall designating handicap parking for public and private property parking, except for conversions of single family residences to nonresidential uses within the RO district; and

2. A vertical sign, between 48 and 60 inches off the ground, with the international symbol of access described under RCW 70.92.120 displaying the notice "State disabled parking permit required" and a warning that other vehicles without permits will be impounded.

B. Any person who meets the criteria for special parking privileges under Chapter 46.16 RCW shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special card, decal, or license plate under Chapter 46.16 RCW to be eligible for the privileges set forth in this section.

C. No person shall stop, stand or park a vehicle in a properly posted and marked parking space or stall indicated for a physically disabled person as provided in subsection A of this section for any purpose or length of time unless such vehicle displays a special license plate, card or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW.

D. A vehicle may be impounded with a parking citation to its owner when a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW is parked in a stall or space clearly and conspicuously marked therefore whether the space is provided on private property without charge or on public property, as signed and marked as set forth in subsection A of this section. The issuance of a previous parking citation to said vehicle for violation of the terms of this section shall constitute said prior notice.

E. No person shall stop, stand or park a vehicle in front of or within 20 feet of a wheelchair ramp on a public street, except for marked, disabled parking stalls.

F. Any violation of this section shall be an infraction and punishable by a monetary penalty of \$250.00. (Ord. 5724 § 4, 2002; Ord. 5608 § 1, 2001; Ord. 5212 § 1 (Exh. F), 1999; Ord. 5110 § 2, 1998; Ord. 4769 § 2, 1995; Ord. 4358 §§ 2, 3, 1989; Ord. 4023 § 1, 1985.)

Section 11. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 12. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 13. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

PETER B. LEWIS
MAYOR

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____

December 19, 2008

& February 19, 2009

To: Planning Commission,
Planning Committee, &
Auburn City Council

From: Bill Morchin

Subject: Converting a Residence to Office Use

Gentlemen & Gentlewomen;

The purpose of this letter is to offer, in my absence, constructive advice to you on the subject.

I have heard from Brad Hughes that you will be convening meetings to consider a revision of codes that are applicable to Residential to Office Conversions. I cannot attend these meetings because of a preplanned vacation.

I have been experiencing the trials of such a conversion before and after purchasing a home at 1208 East Main Street from Brad and Patrice Hughes. Brad and Patrice have gone through a lot of similar trials since listing their property in June 2007. I bought the property October 2, 2008. I was able to have an application to accomplish the conversion, accepted December 4, 2008, a week after back and forth changes.

My recent and ongoing experience has shown me that such a conversion does not reasonably fit into some of the present commercial codes nor is the applicant trained and financed like the normal commercial applicant. I have nine points suggested in the attached sheet. And since my December 19th letter and

Yours truly;

Bill Morchin
1345 East Main Street
Auburn WA 98002
Telephone: 253 939 6722

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Comment [WM1]: My application submittal on December 24th not much has changed since that time. Therefore I am re-submitting my nine points below with the one point, #2, that has changed. I make additional comments on the remaining points based on a review of the Proposed Code Changes given to me by the Planning Department (Elizabeth Chamberland).

1. There is a need for a caretaker to guide the owner (who is likely to be an amateur when it comes to conversions) in a friendly manner through the staff bureaucracy and to explain all the reasons why one cannot do this or that and to provide useful guidance to alternatives. The goal should be to provide ways one can do this or that.
2. Credit needs to be given for available street parking and be made deductible to the required number of on-site parking spaces for the conventional commercial developments. ~~In addition the stacked parking allowed for residences should be carried over to the RO zone to the extent that would allow for business owner and employee parking.~~
3. Reduce the amount of engineering the owner needs to employ for the conversion project by means of helpful specialty staff guidance either directly or by referring to on-line tools that are available. In some instances the engineering costs for the conversion can be as much as the ~~contractor~~ charges.
4. Dedication of property to the city needs to be compensated for by the city if ownership is transferred. It should be made possible for crediting such property transfer to required fees.
5. A temporary use permit should be granted to get a project going if there is seasonal or city staff delays. This would apply to applications that have passed muster for the planning department to accept and are likely to be accepted with minor changes. The permit should have a more immediate response by the city government than by the hearing examiner process which can take 70 days. The goal should be either approve or reject an application within two weeks and a temporary use permit within one week if delays are expected.
6. If the owner ~~chooses~~ to use an automatic yard sprinkler system it should not be required that he/she install a separate water meter and service for such a system. In this case it should be treated like a residence not a commercial site. The site is more like a residence than a commercial one.
7. Many residences have a small distance between the front of the house structure and the sidewalk. In such instances a ten-foot wide landscaping strip will take up a large proportion of the ~~yard~~. Allowances should be made to permit the owner to use a conventional landscape plan typical for RO zoned Auburn ~~residences~~. Additionally, a business needs to be seen, not hidden.
8. Traffic impact fees need to be reduced if there is public transit service nearby such as within two ~~blocks~~
9. There is a discontinuity between national organizational codes and city codes. In particular, it is difficult to correlate floor load requirements to those types of businesses permissible in a RO zone.

Comment [WM2]: This change has now been suggested by the Planning Staff.

Comment [WM3]: Please see my comments on policy changes that are needed in the Planning and Engineering departments.

Comment [WM4]: This still appears to be mandatory in the proposed code. See my comments in the Draft Code Changes document dated 2/19/2009

Comment [WM5]: This has not been adopted in the proposed code and by not adopting it disagrees with the 18.22.010 Intent code changes recommended by the Planning department

Comment [WM6]: Please see my comments and recommended changes in the Draft Code Changes document dated 2/19/2009 critique by B. Morchin.

Comment [WM7]: Since this was prepared I have received a comment on my application that states a fee of \$11,000. This represents nearly 3% of the value of the property. Surely this fee must not be this high for the large projects that have occurred in this city nor even the ones in the Downtown core. Please consider my suggestions inserted into the Draft Code Changes document dated 2/19/2009 by Bill Morchin.

Chapter 18.22
RO RESIDENTIAL OFFICE AND RO-H RESIDENTIAL OFFICE-HOSPITAL
DISTRICT

Sections:

- 18.22.010 Intent.
- 18.22.020 Permitted uses.
- 18.22.030 Uses requiring permit.
- 18.22.040 Development standards for RO designation.
- 18.22.050 Development standards for RO-H designation.
- 18.22.060 Supplemental development standards for both the RO and RO-H designations.

18.22.010 Intent.

The RO and RO-H zone is intended primarily to accommodate smaller-scale business and professional offices, medical and dental clinics, banks and similar financial institutions at locations where they are compatible with residential uses. Some retail and personal services may be permitted if supplemental to the other uses allowed in the zone. This zone is intended for those areas that are in transition from residential to commercial uses along arterials or near the hospital. Conversions to commercial uses is geared towards encouraging adaptive re-use of existing single family structures that continue to appear in accord with the single family residential character.

The RO-H designation is to be used exclusively for the hospital area, located in the vicinity of 2nd Street N.E. and Auburn Avenue, and is intended to be used for medical and related uses and those uses compatible with the medical community. (Ord. 4562 § 2 (Exh. A), 1992; Ord. 4229 § 2, 1987.)

18.22.020 Permitted uses.

Hereafter all buildings, structures or parcels of land shall only be used for the following, unless otherwise provided for in this title:

A. Permitted uses in RO designation:

1. Art and photography studios, including accessory sales;
2. Banks and similar financial institutions, excluding drive-in facilities;
3. Computer sales, including service that is incidental and subordinate to the sales;
4. Duplexes, 3,600 square feet of lot area per dwelling unit is required;
5. Home-based daycare;
6. Multiple-family dwellings; provided, that 2,400 square feet of lot area is provided for each dwelling unit;
7. Professional offices
8. Nonresidential multitenant buildings which were constructed prior to June 15, 1987, the adoption date of Zoning Ordinance No. 4229, and were zoned C-1, to occupy any tenant space within the building with a use that is permitted outright within Chapter 18.26 ACC;
9. One detached single-family dwelling not to exceed one single-family dwelling per lot;
10. Accessory uses to permitted residential uses to include residential garage, guest cottage, recreation room, tool shed, noncommercial greenhouse and swimming pool;
11. Keeping of not more than four household pets. This limit shall not include birds, fish or suckling young of pets.

B. Permitted uses in RO-H designation:

1. Daycare limited to home-based or a mini daycare center;

2. Funeral homes;
3. Hospitals (excluding animal);
4. Medical and dental clinics;
5. Nursing homes;
6. Personal service shops;
7. Pharmacies;
8. Professional offices;
9. Religious institutions;
10. Noncommercial municipal automobile parking facilities. (Ord. 5733 § 1, 2003; Ord. 4562 § 2 (Exh. A), 1992; Ord. 4304 § 1(12), 1988; Ord. 4284 § 1, 1988; Ord. 4229 § 2, 1987.)

18.22.030 Uses requiring permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Conditionally permitted uses in the RO designation:

1. Civic, social and fraternal clubs;
2. Daycare limited to mini daycare center, daycare center, preschools or nursery schools;
3. Government facilities;
4. Nursing homes;
5. Personal service shops;
6. Religious institutions;
7. Restaurants, excluding drive-in facilities.

B. Conditionally permitted uses in RO-H designation:

1. Daycare, limited to daycare center, preschools or nursery schools;
2. Government facilities;
3. Multifamily dwellings, provided 1,200 square feet of lot area is provided for each dwelling unit;
4. Restaurants, excluding drive-in facilities;
5. Other retail sales of products that support the medical community. (Ord. 4562 § 2 (Exh. A), 1992; Ord. 4229 § 2, 1987.)

18.22.040 Development standards for RO designation.

A. Minimum lot area: 7,200 square feet.

B. Minimum lot width: 50 feet.

C. Minimum lot depth: 80 feet.

D. Maximum lot coverage: ~~55 percent~~

1. New single family residential or conversions of single family residences to commercial uses with additions greater than 200 square feet over the lifetime of the property, then the maximum lot coverage is 35 percent.

2. All other: maximum lot coverage is 55 percent.

E. Maximum building height: ~~35 feet.~~

1. New single family residential or conversions of single family residences to commercial uses with additions greater than 200 square feet over the lifetime of the property, then the maximum building height is 25 feet.

2. All other: Maximum building height is 35 feet.

F. Minimum yard setbacks:

1. Front: ~~20 feet;~~

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a. New single family residential or conversions of single family residences to commercial uses with additions of 200 square feet or less; then the front yard setback is 10 feet.

b. All other: front yard setback is 20 feet.

2. Side, interior: five feet;

3. Side, street: 10 feet;

4. Rear: 25 feet;

a. New single family residential or conversions of single family residences to commercial uses with additions of 200 square feet or less; then the rear yard setback is 15 feet.

b. All other: rear yard setback is 25 feet

5. Accessory structures shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet; provided, that any structure with a vehicular entrance from a street (public or private) or public alley shall be set back a minimum of 20 feet.

G. Fences and hedges: see Chapter 18.48 ACC.

H. Parking: see Chapter 18.52 ACC. Parking must be set back a minimum of 10 feet from a street. For conversions to commercial use, if on-street parking is currently allowed along the property frontage, a credit of one such number of parking spaces may be counted towards the minimum off-street parking required.

I. Landscaping: see Chapter 18.50 ACC.

J. Signs: see Chapter 18.56 ACC. (Ord. 5777 § 1, 2003; Ord. 4562 § 2 (Exh. A), 1992; Ord. 4304 § 1(13), 1988; Ord. 4229 § 2, 1987.)

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Comment [WM1]: Or sidewalk within 250 feet of the property

Comment [WM2]:

18.22.060 Supplemental development standards for both the RO and RO-H designations.

A. All uses shall be conducted entirely within an enclosed structure, except noncommercial municipal automobile parking facilities in the RO-H zone.

B. There shall be no outside storage of materials allowed.

C. Refuse cans, containers or dumpsters shall be screened from the view of adjoining properties.

D. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (Chapter 70.105 RCW).

E. Any new construction, including additions and alterations, within the RO zone shall utilize similar bulk, scale, and architectural and landscape elements of the existing site structure or those of the neighborhood in which the property is located. A site plan and building elevation plans shall be prepared by the applicant which addresses compliance with the requirements as outlined in this subsection. The plans shall be approved by the Planning, Building, and Community Director or designee prior to the issuance of any building permits that follows written public operating procedures.

F. The Planning, Building, and Community Director and the Public Works Director or designees may deviate from the development standards under Sections 18.22.040 and 18.22.060 up to 10 percent, for example reduce rear setback by 1.5 feet, to address unusual circumstances for conversions of single family residential uses to non-residential uses.

Comment [WM3]:

Comment [WM4]: Written and public operating procedures will serve to reduce personal opinions and enhance the accountability of the Director or designee.

Chapter 18.50 LANDSCAPING AND SCREENING

Sections:

- 18.50.010 Intent.
- 18.50.020 Scope.
- 18.50.030 Definitions.
- 18.50.040 Types of landscaping.
- 18.50.050 Regulations by zone.
- 18.50.060 General landscape requirements.
- 18.50.070 Landscape maintenance requirements.
- 18.50.080 Modification of landscaping requirements.

18.50.010 Intent.

The intent of this chapter is to provide minimum landscaping and screening requirements in order to maintain and protect property values, to enhance the city's appearance, to visually unify the city and its neighborhoods, to improve the character of certain areas of the city, to reduce erosion and storm water runoff, and to maintain or replace existing vegetation and to prevent and abate public nuisances. (Ord. 4914 § 1, 1996; Ord. 4773 § 1, 1995; Ord. 4229 § 2, 1987.)

18.50.020 Scope.

A. This chapter applies to all uses and activities developed in the city excluding single-family and duplex units on individual lots.

B. When additions, alterations, or repairs of any existing building or structure exceed 50 percent of the value of the building or structure, or a residential use is converted to a nonresidential use, then such building or structure shall be considered to be a new use and landscaping provided accordingly; provided, that if any existing foundation or fence layout precludes full compliance herewith, then the landscaping requirements may be modified by the planning director. (Ord. 4914 § 1, 1996; Ord. 4304 § 1(33), 1988; Ord. 4229 § 2, 1987.)

18.50.050 Regulations by zone.

A. R-R, R-S, LHR3, R-1, LHR1, R-2, LHR2, R-3, and LHR3 Districts. Landscaping shall only be required in conjunction with a conditional use permit. The type and amount to be determined at that time the CUP is approved.

B. R-4 and LHR4 Districts.

1. Street frontage: five-foot width of Type III;
2. Adjacent to R-R, R-S, LHR3, R-1, LHR1, R-2, or LHR2 zone: five-foot width of Type III, adjacent parking or driveways will require a five-foot width of Type II;
3. Adjacent to R-3 or LHR3 zone: five-foot width of Type IV, adjacent parking or driveways will require a five-foot width of Type III.

C. RO and RO-H Districts.

1. Street frontage: 0 to 10-foot width to best fit with the average of homes two blocks up and down on each side of the street the conversion is located of Type III;

2. Adjacent to R-R, R-S, R-1, R-2, or R-3 zone: 10-foot width of Type III, adjacent parking or driveways will require a 10-foot width of Type II;

3. Adjacent to R-4, R-MHP: five-foot width of Type IV, adjacent parking or driveways will require a five-foot width of Type III.

4. For conversions of single family residences to commercial uses within the RO zone: existing healthy landscaping may be protected, retained and utilized or

Comment [WM5]: This change will best follow the change suggested in paragraph 18.22.010 Intent

Comment [WM6]: The word protected is ambiguous and may be interpreted to the detriment of an owner performing the conversion

supplemented to meet the intent of the code requirements as determined by the Planning, Building, and Community Director or designee. See Section 18.50.060 for plan requirements.

Comment [WM7]: See comment above about operating procedure.

- D. I, LHI, C-1, LHC1, C-2, C-N, P-1, and LHP1 Districts.
1. Street frontage: five-foot width of Type III, no street frontage landscaping is required for the C-2 zone except for parking lots and as may be required by ACC 18.28.050(F);
 2. Adjacent to R-R, R-S, LHRS, R-1, LHR1, R-2, LHR2, R-3, or LHR3 zone: five-foot width of Type II, adjacent parking or driveways will require a five-foot width of Type I;
 3. Adjacent to R-4, LHR4, RO, RO-H, R-MHP, or LHRMHP zone: five-foot width of Type III, adjacent parking or driveways will require a five-foot width of Type II.
- E. C-3, LF Districts.
1. Street frontage: five-foot width of Type III;
 2. Adjacent to R-R, R-S, R-1, R-2, or R-3 zone: 10-foot width of Type II, adjacent parking or driveways will require a 10-foot width of Type I;
 3. Adjacent to R-4, RO, RO-H or R-MHP zone: 10-foot width of Type III, adjacent parking or driveways will require a 10-foot width of Type II;
 4. Outdoor storage yards adjacent to any C, P, I or M-1 zone.
- F. M-1 District.
1. Street frontage: 10-foot width of Type III, an additional 10-foot width will be required when loading and unloading docks face a street. In lieu of the additional 10-foot width of Type III landscaping, a Type II landscaping may be provided;
 2. Adjacent to any R zone: 10-foot width of Type I;
 3. Adjacent to I, C-1, C-2, P-1, or C-N zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;
 4. Adjacent to C-3, LF zone: 10-foot width of Type III, adjacent outdoor storage yards will require a 10-foot width of Type I;
 5. For those buildings that have frontage on a street a minimum of a 10-foot width of Type III landscaping shall be placed next to the building;
 6. Outdoor storage yards adjacent to other M-1 zoned property shall have a minimum width of a five-foot Type I landscaping;
 7. Adjacent to the Interurban Trail. Outdoor storage yards adjacent to the Interurban Trail (regardless of the zoning of the Interurban Trail) shall have a minimum 10-foot width of Type I landscaping.
- G. M-2 District.
1. Street frontage: 10-foot width of Type III;
 2. Adjacent to any R zone: 30-foot width of Type I;
 3. Adjacent to I, C-1, C-2, P-1, or C-N zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;
 4. Adjacent to C-3 or LF zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;
 5. For those buildings that have frontage on a street a minimum of a 10-foot width of Type II landscaping shall be placed next to the building.
- H. BP District. The amount and type of landscaping shall be determined at the time of the approval of the business park. The landscaping requirements shall however be guided by the M-1 requirements and a minimum of 15 percent of the business park shall be landscaped.
- I. EP District.
1. Except as provided for in subsection (I)(2) of this section, all required yards shall be landscaped with Type III landscaping.

2. The planning director may reduce the width of required landscaping by up to 50 percent for projects employing drip irrigation or similar water conservation measures, use of native plant materials, or xeriscaping.
3. In no case shall less than 15 percent of the lot be landscaped.
4. Outdoor storage areas shall be screened with a minimum width of five-foot Type I landscaping. (Ord. 6036 § 3, 2006; Ord. 5863 § 5, 2004; Ord. 5342 § 2, 2000; Ord. 4914 § 1, 1996; Ord. 4304 § 1(36) – (39), 1988; Ord. 4229 § 2, 1987.)

18.50.060 General landscape requirements.

A. Application. A landscape plan shall be required and shall be accurately drawn using an appropriate engineering scale and shall illustrate the following:

1. Adjacent streets, public and private;
2. Boundaries and dimensions of site;
3. Location of on-site buildings;
4. Location of on-site parking areas;
5. Location and size of landscape areas;
6. Location, species and size of planting materials;
7. Location of outdoor storage areas;
8. Location of significant trees;
9. Location of water source(s).

If the subject property is located within the RO zone a landscape plan signed by a licensed landscape architect is not required however a plan shall be prepared by the applicant providing a written record of landscaping to be retained and maintained. The plans shall be approved by the Planning, Building, and Community Director or designee prior to the issuance of any building permits.

B. Driveways and Pedestrian Walkways. Landscaping is generally required along all street frontages with the exception of driveways and pedestrian walkways within the property.

C. Fences. When fences and landscaping are required along the property line, the fence shall be set back of the landscaping if the fence abuts a street, so as to not obscure such landscaping. At other property lines the landscaping shall be located to serve the greatest public benefit.

D. Irrigation. No portion of any landscaped area shall be located further away than 50 feet from a source of water adequate to irrigate the landscaping.

E. Lawn Substitution. Sodded lawn may be substituted for the required shrubs or ground cover but all portions of the lawn area must be served by an automatic irrigation system.

F. Maintenance. Except in the case of a residential to office conversions an automatic irrigation system shall not be mandatory.

1. The property owner shall be responsible for replacing any unhealthy or dead plants for a period of two years after the initial planting.
2. The building official shall require a maintenance assurance device for a period of one year from the completion of planting in order to ensure compliance with the requirements of this section. The value of the maintenance assurance device shall equal at least 50 percent of the total landscape materials.
3. If the landscaping is not being properly maintained, the property owner shall be so notified by the city. If after 30 days from the city's notification the landscaping is still not being maintained then the maintenance device may be used by the city to perform any type of maintenance necessary to ensure compliance with this chapter.
4. The maintenance assurance device shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform any

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Comment [WM8]: Maintained shall not mean mandatory installation of a yard irrigation system nor a separate water meter if one is used.

Comment [WM9]: This is especially applicable to small residences that now are not served with automatic irrigation systems. There is nothing wrong with a good old water hose. Besides subparagraphs should make the city feel very comfortable and are composed as if there were no automatic irrigation system.

Comment [WM10]: Is this a mechanical device? The word needs explanation.

Comment [WM11]:

necessary work. The agreement shall also hold the city harmless from all claims and expenses, including attorney's fees.

5. Upon completion of the one-year maintenance period, and if maintenance has not been performed by the city, the city shall release the maintenance assurance device.

G. Outdoor Storage. Outdoor storage yards that are visible from a street or are adjacent to residentially zoned property shall be screened by a minimum of a five-foot width of Type I landscaping. Additional width may be required to comply with ACC 18.50.050.

H. Parking Lots.

1. A planter area shall be required along the entire street frontage(s), except driveways and walkways; provided, that no sight-obscuring plants will be allowed whenever safe sight clearance is necessary for ingress and egress from a public street. The width of the planter area shall be as required in ACC 18.50.050(A) through (H) for street frontages;

2. All lots with more than 12 spaces, a 100-square-foot planter area shall be required at the end of each single row of parking, but in no case shall there be more than 10 parking spaces between any required planter area. The location of the planter area may be varied upon evidence submitted which shows that the intent of the landscaping requirements have not been lessened. Any variation must receive planning director approval;

3. Each planter area shall contain at least one tree, a minimum of one and one-half to two inches in caliper. For planter areas in excess of 30 feet in length, more trees are required and shall be spaced not further than 30 feet apart;

4. Each planter area shall contain shrubs, spaced three feet on center, and be a minimum of one gallon in size;

5. Residential and nonresidential parking lots with five or less spaces, ~~and nonresidential parking lots, with three or less spaces,~~ shall be exempt from the parking lot landscape requirements.

I. Performance Assurance.

1. The required landscaping must be installed prior to the issuance of the certificate of occupancy unless the building official determines that a performance assurance device will adequately protect the interests of the city;

2. The performance assurance device shall only be valid for a 120-day period and shall have a value of 100 percent of the estimated cost of the landscaping to be performed. If the landscaping has not been installed after the 120 days then the assurance device may be used by the city to perform any necessary work to implement the landscape plan;

3. The performance assurance device shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform work. The agreement shall also hold the city harmless from all claims and expenses, including attorney's fees;

4. Upon completion of the required landscaping by the property owner the city shall release the performance assurance device.

J. Private Property. All required landscaping shall be located entirely on private property. When landscaping is required to separate adjacent uses, the landscaping shall run the full length of the adjacent property.

K. Sight Hazards. The building official and/or city engineer may review and modify landscape plans which may affect visibility for ingress, or egress, corner lots or other intersections. Any reduction of landscaping shall be made up elsewhere on-site.

L. Significant Trees. All significant trees, as defined by ACC 18.50.030(E), shall be retained and made part of the landscape plan.

M. Species. The applicant shall utilize plant materials which complement the natural character of the Pacific Northwest. In the case of residential to office conversions it shall not be necessary to name plants by their Latin names.

N. Landscaped Berms. In addition to the minimum landscape requirements of ACC 18.50.050, landscaped berms may be required to mitigate any impacts associated with a specific project. The berms may be applied through an administrative or conditional use permit, contract rezone, or as a condition associated with a mitigated determination of nonsignificance or environmental impact statement. The minimum height of the earth creating the berm shall be three feet and have a slope no greater than two-foot horizontal to one-foot vertical. (Ord. 4914 § 1, 1996; Ord. 4229 § 2, 1987.)

18.50.080 Modification of landscaping requirements.

The director may authorize a reduced width of planting or waive some or all of the landscaping requirements if the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required in this chapter and which, in the opinion of the director, provides a superior level of buffering/screening. Alternative landscaping techniques may include the use of native vegetation existing on site, the use of berms or increasing perimeter landscape width in strategic locations.

Within the RO zone, the Planning, Building, and Community Director or designee may authorize employment of alternate landscape methods provided that the vegetation is maintained pursuant to Section 18.50.070.

Comment [WM12]:

Comment [WM13]: See comment above about congruence with the neighboring residences for two blocks up and down each side of the street.

Comment [WM14]:

Chapter 18.52

OFF-STREET PARKING AND LOADING

Sections:

<u>18.52.010</u>	General.
<u>18.52.020</u>	Required off-street parking – Minimum standards.
<u>18.52.030</u>	Reductions of the quantity of required parking.
<u>18.52.040</u>	Drive-in businesses.
<u>18.52.050</u>	Off-street parking area development and maintenance.
<u>18.52.060</u>	Development of off-street parking spaces for single-family dwellings and duplexes.
<u>18.52.065</u>	Commercial vehicles in residential zones.
<u>18.52.070</u>	Off-street parking lots – Location.
<u>18.52.080</u>	<i>Repealed.</i>
<u>18.52.090</u>	Parking space dimensional requirements.
<u>18.52.100</u>	Existing off-street parking reduction.
<u>18.52.110</u>	Fractional spaces.
<u>18.52.120</u>	Parking in front or side yards – Prohibited generally.
<u>18.52.125</u>	Stacked parking.
<u>18.52.130</u>	Off-street loading space.

18.52.010 General.

A. Off-street parking and loading lots shall be provided in accordance with the following provisions of this chapter for every building or use hereafter erected, altered, enlarged, or relocated.

1. Any new building, use or structure shall provide the required parking to the standards specified in this chapter. The provision of additional parking is not required for a change of use in existing buildings in the C-2 zoning district.
2. Whenever a new building replaces an existing building or there is an expansion of an existing building within the C-2 zoning district, the requirements of this section shall apply only if there is an increase in floor area of 25 percent or more (including the cumulative increase of previous expansions after the effective date (April 1, 1997) of the ordinance amending this section).
3. Any parking lot hereafter physically altered shall comply with all of the provisions of this chapter, except that such lot which provides five percent of its area in landscaping shall be deemed to comply with ACC 18.50.060(H).
4. Any parcel of land that is used or is intended to be used as a parking area shall be improved pursuant to the provisions of this chapter. This shall include all parking areas whether or not required by this chapter except as provided in ACC 18.52.060(A) and (B).
5. For existing parking lots that are resurfaced in excess of 50 percent of its area, then at least five percent of the entire parking area shall be landscaped consistent with Chapter 18.50 ACC.
6. If existing parking lots are restriped, then the new layout of the parking spaces shall be the same as the previous layout or, if changed, then the changed layout shall conform to the existing dimensional requirements of this chapter.

B. These regulations shall not be retroactive to include any building or use existing at the time of passage of the ordinance codified in this chapter, except as follows:

1. When a building is located on a different site, there shall be provided off-street parking and loading spaces as required for new buildings.
2. When the number of units is increased by alteration or addition to a dwelling or other structure containing sleeping rooms, there shall be provided off-street parking and loading spaces for such additional units. When there are other alterations to a residential structure, the requirements of this chapter shall apply whenever the value of such alterations or the cumulative value of previous alterations after the effective date (April 1, 1997) of the ordinance amending this section exceeds 50 percent of the assessed valuation of the structure.
3. When there are alterations or additions to a nonresidential building outside the C-2 zoning district, there shall be provided off-street parking and loading spaces for any increase, including any cumulative increase of previous additions or alterations after the effective date (April 1, 1997) of the ordinance amending this section, in the gross floor area or number of seats, bowling lanes or classrooms therein, except that when the aggregate number of spaces required for such alterations or additions is five or less, the off-street parking need not be provided.
4. Whenever any existing, nonresidential use in a building outside of the C-2 zoning district is changed to another use in the same building, the requirements of this section shall apply in full to the new use if and only if the change in parking requirements between the old and new uses is greater than five spaces.
5. Whenever there is a change from a residential use to a nonresidential use in an existing building, the requirements of this title shall apply in full to the new use; except that the hearing examiner by means of a special exception may determine that a portion of the residential structure cannot be effectively utilized by the proposed commercial use and such area then may be excluded from the gross floor area used to compute the parking requirement.

6. Whenever there is a change from a residential use to a nonresidential use in an existing building within the RO zone, the requirements of this title shall apply in full to the new use; except that the Planning, Building, and Community Director by means of a special exception may determine that a portion of the residential structure cannot be effectively utilized by the proposed commercial use and such area then may be excluded from the gross floor area used to compute the parking requirement.

Comment [WM15]: This paragraph appears to duplicate paragraph 5 above.

Comment [WM16]: What if the Hearing examiner and the Director disagree?

- C. The required parking and/or loading shall have reasonable access to a street or alley and a capacity according to the use of the building listed in the following sections.
- D. Where a use is not listed, the planning director shall determine the number of required parking and/or loading spaces based upon similar uses for which the requirements are specified.
- E. Removal of required parking and/or loading spaces from practical use by obstruction, erection of buildings, or other actions as to reduce the parking and/or loading capacity or usefulness thereof below the minimum requirements established in this chapter is prohibited.
- F. "Gross floor area" includes all floor area within the exterior walls of the building including area in halls, storage, and partitions, but excluding furnace and similar utility space used solely to maintain the building for occupancy.
- G. "Parking area" includes the parking spaces together with driveways and the access to a street.
- H. "Gross leasable area" is the gross floor area reduced by the area of public lobbies, common mall areas, permanently designated corridors, and atriums or courtyards provided solely for pedestrian or merchandise access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes. (Ord. 4949 § 1, 1997; Ord. 4229 § 2, 1987.)

18.52.050 Off-street parking area development and maintenance.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained as follows:

A. The parking areas on private property, including interior driveways and access to a public street, shall be paved with asphalt concrete or cement concrete pavement and shall have appropriate bumper guards where needed. Where a driveway crosses an improved public right-of-way, it shall be constructed with cement concrete. All pavement sections shall be designed to support the post development traffic loads anticipated due to the intended use as approved by the city engineer.

For properties within the RO zone converting from single family residential to a nonresidential use, alternative pervious surfaces, may be utilized as approved by the City Engineer. Required ADA parking space(s) shall meet all current ADA standards pursuant to current state requirements.

B. Parking areas shall be used for vehicle parking only, with no sales, unless permitted elsewhere by this title, dead storage, repair work, or dismantling of any kind.

C. If lighting is provided, it shall be hooded, shielded, directed downward and not exceed one-half foot-candle at the property line.

D. Drainage facilities for storm water are required and shall be approved by the public works department.

E. Ingress and egress shall be approved as to location and design by the public works department.

F. A six-inch extruded concrete curb shall be provided around landscaped islands, peninsulas or similar features.

G. Driveways and parking stalls shall be clearly marked. Driveways or aisles that serve emergency access shall have a 20-foot minimum width, an unobstructed vertical clearance of at least 13 feet six inches (see UFC-902.2.2.4), and be clearly marked.

H. Landscaping: see Chapter 18.50 ACC.

I. Sidewalks or pedestrian walkways shall be visibly marked with striping or differentiated pavement.

J. For parking lots in excess of 50 spaces, the design shall be approved by the city engineer and the planning director. Designs shall be reviewed for dimensional and landscaping requirements, drainage, pavement, pedestrian amenities, circulation, arterial access and queuing and driveway locations, bicycle parking location, lighting and signage.

K. The maximum grade of driveways should be no more than 12 percent. Grades of up to 15 percent may be allowed upon approval by the city engineer and the planning director. A landing approach area shall be provided with a grade not exceeding eight percent. (Ord. 4949 § 1, 1997; Ord. 4229 § 2, 1987.)

18.52.090 Parking space dimensional requirements.

A. Standard Sized Parking Spaces.

1. Standard sized parking spaces parallel to the driveway or aisle serving them shall be a minimum of nine feet wide and 22 feet long. Driveways or aisles serving standard sized parallel spaces shall be a minimum of 12 feet wide.

2. Standard sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table, and further defined by subsection C of this section; provided, that aisle widths shall not be less than 10 feet.

			One- Way	Two- Way
A	B	C	D	D
30	9.0'	17.3'	12.0'	20.0'
45	9.0'	19.8'	15.0'	20.0'
60	9.0'	21.0'	18.0'	20.0'
90	9.0'	19.0'	24.0'	24.0'

B. Compact Sized Parking Spaces.

1. In any off-street parking lot up to 30 percent of the spaces may be designated as "compact" spaces and be developed according to the minimum dimensional requirements for compact spaces established under this section. Municipally owned/leased automobile parking facilities may designate up to 50 percent of the spaces as "compact."

2. In the RO zone all parking spaces may be compact, except the required handicap space shall meet the current ADA standards.

23. Compact sized parking spaces oriented parallel to the driveway or aisle serving them shall be a minimum of eight feet wide and 20 feet long. Driveways or aisles serving compact sized parallel parking spaces shall be a minimum of 11 feet wide.

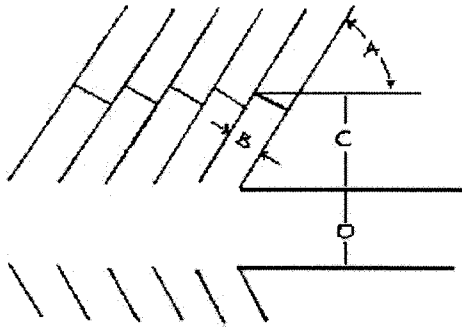
43. Compact sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table and further defined by subsection C of this section; provided, that aisle widths shall not be less than 10 feet.

			One- Way	Two- Way
A	B	C	D	D
30	8.0'	14.9'	10.0'	20.0'
45	8.0'	17.0'	13.0'	20.0'
60	8.0'	17.9'	16.0'	20.0'
90	8.0'	16.0'	22.0'	22.0'

45. Every compact parking space created pursuant to this section shall be clearly identified as such by painting the word "COMPACT" in upper case block letters, using white paint, on the pavement within the space. The additional use of signs to identify any large blocks of compact parking spaces is encouraged. The random distribution of compact spaces or blocks of compact spaces throughout a parking lot is also encouraged.

65. Existing parking lots may provide for compact parking spaces under the provisions of this section; provided, that the parking lot shall comply with all provisions of this chapter except that any parking lot which provides five percent of its area in landscaping shall be deemed to comply with all landscaping requirements.

C. When determining the minimum dimensional requirements for standard and compact parking spaces oriented at an angle to the driveway or aisle serving them, the following figure shall be consulted.



D. Off-street parking lots shall comply with the handicapped parking space requirements.

E. Overhang parking may be permitted.

1. The overhang area need not be paved but must be landscaped with deciduous trees planted 30 feet on center and groundcover or sodded lawn provided. The trees shall be planted to avoid conflict with the vehicles. No overhang landscape areas, created exclusively for overhang parking, shall be considered to meet the landscape requirements of this title. The overhang landscape area must be a minimum width of five feet; however, the maximum overhang allowed into the landscaped area shall be two feet. Overhangs into otherwise required landscaped areas are not permitted unless the width of the landscaped area is increased by at least two feet and the plant material increased accordingly.

2. All parking spaces with overhangs shall have appropriate wheel stops provided.
(Ord. 5733 § 4, 2003; Ord. 4949 § 1, 1997; Ord. 4229 § 2, 1987.)

18.52.125 Stacked parking.

Stacked parking, i.e., parking one car behind another, is permitted for funeral homes, and single-family homes, and for designated employee parking within the RO zone only, unless the use has complied with the requirements of ACC 18.52.030(E). (Ord. 4949 § 1, 1997.)

Chapter 10.36 STOPPING, STANDING AND PARKING

10.36.268 Disabled parking – Violation.

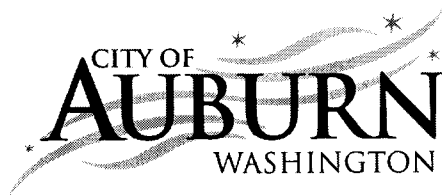
- A. A parking space or stall for a physically disabled person shall be indicated by:
1. A painted state-approved handicap symbol on the pavement situated in the center of the parking stall designating handicap parking for public and private property parking, except within the RO zone; and
 2. A vertical sign, between 48 and 60 inches off the ground, with the international symbol of access described under RCW 70.92.120 displaying the notice "State disabled parking permit required" and a warning that other vehicles without permits will be impounded.
- B. Any person who meets the criteria for special parking privileges under Chapter 46.16 RCW shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special card, decal, or license plate under Chapter 46.16 RCW to be eligible for the privileges set forth in this section.
- C. No person shall stop, stand or park a vehicle in a properly posted and marked parking space or stall indicated for a physically disabled person as provided in subsection A of this section for any purpose or length of time unless such vehicle displays a special license plate, card or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW.
- D. A vehicle may be impounded with a parking citation to its owner when a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW is parked in a stall or space clearly and conspicuously marked therefore whether the space is provided on private property without charge or on public property, as signed and marked as set forth in subsection A of this section. The issuance of a previous parking citation to said vehicle for violation of the terms of this section shall constitute said prior notice.
- E. No person shall stop, stand or park a vehicle in front of or within 20 feet of a wheelchair ramp on a public street, except for marked, disabled parking stalls.
- F. Any violation of this section shall be an infraction and punishable by a monetary penalty of \$250.00. (Ord. 5724 § 4, 2002; Ord. 5608 § 1, 2001; Ord. 5212 § 1 (Exh. F), 1999; Ord. 5110 § 2, 1998; Ord. 4769 § 2, 1995; Ord. 4358 §§ 2, 3, 1989; Ord. 4023 § 1, 1985.)

TRAFFIC IMPACT FEES

In residential to nonresidential conversions within an RO zone, traffic impact fees will be based upon substantiated analysis by the city and shall be levied by a factor of one-half of the rate applied to the smaller of any other nonresidential or to less than one-percent of the property value zone if and only if substantiated.

DEDICATION OF PROPERTY TO THE CITY BY A PROPERTY OWNER

Any property dedicated to the city that is a benefit to the city and its citizens that is now deemed necessary by the city to correct mistakes or improve services or is necessary because of advances in technology or by changes in the size of vehicles shall cause the owner of such property to be compensated for it's fair value by the city government.



**DRAFT
PLANNING COMMISSION**

March 3, 2009

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA. Commission Members present were: Chair Judi Roland, Vice Chair Kevin Chapman, Dave Peace, Ron Copple, Peter DiTuri, Michael Hamilton, Robert Baggett and Joan Mason. Also present, were Principal Planner Elizabeth Chamberlain, Principal Planner Jeff Dixon, Environmental Protection Manager Kelly McLain Aardal, Director Planning, Building and Community Cindy Baker, and Planning Assistant Secretary Carolyn Brown.

Branka Vukshich was a member of the audience.

APPROVAL OF MINUTES

The Commissioners reviewed the minutes from the February 3, 2009 meeting.

Commissioner Mason moved to approve the minutes from February 3, 2009 meeting as corrected; seconded by Commissioner Baggett.

Under the heading Planning Department Report, paragraph, 1 line 4 change the wording from "At this time staff is probably wait until the March regular meeting" to read "At this time staff is waiting until the March regular meeting".

The motion passed unanimously 7-0.

PUBLIC COMMENT

No public comment.

PLANNING DEPARTMENT REPORT

Principal Planner Chamberlain provided a color architectural rendering of the new City Hall annex building: Auburn Professional Plaza. The ground floor business will be Key Bank located on the SE corner of the block; and other retail will be on the ground floor along Main Street, with some offices on first floor. The City's Permit Center will be on the second floor. Also, some city offices will be on the 3rd floor along with private business.

Principal Planner Dixon spoke briefly on the situation with the Howard Hanson dam and the Green River. The Army Corp of Engineers (ACOE) is asking jurisdictions downstream from the dam to be prepared. Different jurisdictions are developing and sharing response plans. The City of Auburn is being proactive regarding some of the low spots on the levees. The City of Auburn also has had community meetings to advise the residents of plans they should make. At this time ACOE does not have a time line on the repair.

Environmental Protection Manager Kelly McLain Aardal provided an update on the bird viewing tower located near Highway 167 and West Main. On December 15, there was a ground breaking ceremony for the birding tower and staff is looking at early March as a completion date. There have been no negative comments regarding the building of the tower.

PUBLIC HEARINGS

Item 1. Case Number ZOA09-0001: Amendment to Auburn City Code Chapters 18.22, 18.50, and 18.52 related to residential conversions within the Residential Office (RO) zone. The amendments propose changes related to development standards, landscaping, and parking.

Chair Roland opened the Public Hearing.

Branka Vukshich who resides at 11 F Street NW spoke regarding the ability of a small business to use off street parking. In the case where her residential office is located, there is trouble with a small alley. The City is requiring that the alley be repaved. She and her husband would like to see some help from the City for a small business. Mrs. Vukshich said in her opinion an alley is public property and should be paved by the City.

As there were no other audience members to speak, Chair Roland closed the Public Hearing.

Chair Roland asked staff to provide information on the proposed amendments. Ms. Chamberlain stated that several residential conversions have come to City staff for review. The City is looking for a way to streamline the process as it can be challenging to small business owners. Small business owners may not have the experience in converting an existing single family structure to a small office.

Ms. Chamberlain addressed the statement by Mrs. Vukshich regarding the unpaved alley. An additional section has been added, which will address the use of a structure as both a residence and business, and the parking could be addressed through a special exception for review by the Planning Director. The requirements to pave the alley come from the Public Works design standards. Each application will be case by case and a parking plan will need to be submitted, in order to address the concerns.

Ms. Chamberlain noted that Mr. Morchin had provided new additional information by mail and each Planning Commissioner was given a copy. Ms. Chamberlain noted that staff incorporated some of Mr. Morchin's comments were appropriate but other suggestions could not such as the traffic impact fee could not be waived. Ms. Chamberlain concluded that staff is recommending approval of the amendment.

Chair Roland asked for discussion. The Planning Commissioners discussed Chapter 18.22.

Commissioner DiTuri discussed Chapter 18.52 off-street parking, especially the parking for a conversion to a business on a narrow street. Off-street parking could impact other residents and users of the street. Ms. Chamberlain responded that one on street parking spot, if allowed, would count toward the off-street parking. If a business is required to have 4 parking spots, the on-street parking spot could count as one. Ms. Chamberlain stated on-street parking is not guaranteed to be available. The Commissioners asked if the City has seen a greater desire to add RO zoning in some locations. Ms. Chamberlain stated this is not a City wide zoning amendment. The only areas that have the RO zone are north of the hospital, along M Street, parts of Auburn Way S, around 12th Street SE, and East Main. Ms. Chamberlain also stated that the proposed amendments would permit tandem parking for employees only and will free up parking for clients. In the comments submitted by Mr. Morchin, he stated he would like to have additional on-street parking spaces for a conversion; however staff is not in favor of permitting more than one on street parking space to count towards the off street parking requirement. There needs to be a balance between residences that convert to commercial and the

residences that remain. Chair Roland added the fact that converted residences could go back to being a regular residence.

The Commissioners discussed the difference in sizes for a compact parking space and a standard parking space. Staff is recommending allowing all the required parking to be compact spaces. Ms. Chamberlain said the width is reduced by a foot, and the length by 3 feet from full size parking spaces to compact. Staff feels using all compact spaces will be the best option as most in home businesses do not have multiple clients at one time.

The Commissioners questioned the landscaping requirement. Ms. Chamberlain said each conversion will be done on a case-by-case basis, but the Planning Director can also make the decision. If an existing structure were to be torn down, the brand new building would have to comply with the 10 foot wide landscape strip. A landscape plan would have to be submitted for review. If landscaping was not sufficient to meet the intent of the code, then City could ask to have landscaping added and want to blend with character of the neighborhood.

Commissioner Peace moved to recommend ZOA-90001 move forward to City Council. Commissioner Hamilton seconded. Vice Chair Chapman added he would like to make sure the City ensures that the neighborhood stays residential and a new residential office won't impact the neighborhood.

The Planning Commission voted and the motion passed, 7-0.

Item 2 Case Number ZOA09-0002: Amendment to Auburn City Code Chapter 18.29 related to exemptions for existing structures within the Downtown Urban Center (DUC) zone.

Chair Roland opened the public hearing.

There was no one from the audience that wished to speak. Chair Roland closed the Public Hearing.

Chair Roland asked staff to provide information on the proposed amendments.

Ms. Chamberlain stated there have been no changes to the proposed amendments since the Planning Commission originally reviewed the information at their February meeting. If a property faces a pedestrian street any exterior changes or remodels will require a review for consistency with the Downtown Urban Center design standards. The second level of changes would be for a property that faces a non-pedestrian street. If the value of a remodel is less than 10% of the assessed value it would not require the design review process. Chair Roland asked how the value is determined. Ms. Chamberlain stated the assessed value is obtained from King County records and based on both land and building value. The review is based on job value as determined by permits and not an actual cost of the improvements.

The Commissioners discussed high valuations and possible appraisals.

The Commissioners discussed a single family residence in the Downtown Urban Center (DUC) being exempt from a design review. For example if someone wanted to paint a wild color in the DUC zone, the City would review. Director Baker added it is hard to regulate aesthetics and would have to discuss with legal. City may have to incorporate usage of certain hues.

The Commissioners discussed interior alterations, which are permitted. Certain modifications on the inside could impact the outside street because of large open windows, especially very bright lighting treatments that could alter an area. Ms. Chamberlain stated staff will try to develop a definition of existing site conditions and the 10% rule could trigger discussion on any extreme changes.

Commissioner Copple moved to recommend ZOA-90002 move forward to City Council. Commissioner DiTuri seconded. No further discussion.

The Planning Commission voted and the motion passed, 7-0.

OTHER BUSINESS

- Shoreline Master Program

Environmental Protection Manager Kelly McLain Aardal, provided an update on the Shoreline Master Program (SMP). Ms. Aardal stated the City Council adopted the program last year on the premise that the Department of Ecology would also adopt at the same time. However, Ecology and City of Auburn have different definitions and Ecology would like the City to strengthen the Program. On February 4, 2009, Ecology opened a comment period on the SMP. One resident, who lives along the Green River, was concerned that customary access to the river not be eliminated.

Ms. McLain Aardal said the City is still using the plan adopted in 1973. Definitions from the Auburn City Code have been changed by Ecology because of State language. Director Baker stated the City Council adopted the Program provisionally and if Ecology had accepted the City would not have to go back through the process.

Ms. McLain Aardal discussed the agriculture along the rivers, forest practices and flood plain. Levee maintenance is under the Army Corp of Engineers. Any continued agriculture use can continue but no new permitted use will be allowed. The Muckleshoot Tribe has considerable interest and will comment. The City will receive comments after the comment period is over since it is thru Dept of Ecology. The parks and city golf course along the river are being managed as to fertilizer use.

Ms. McLain Aardal stated she will come back to the April Planning Commission meeting for a public hearing regarding the SMP before it goes to the City Council for approval of the amended document. The goal of staff is to complete the document by the end of March, so there can be a 60 day comment period.

The Commissioners discussed pesticide use. Ecology had requested this be added because the use on City property (golf course, parks) normally applies to commercial use of pesticides and fertilizers. This particular request from Ecology does not impact individual homeowners. Pesticides are covered under storm water permits and critical area disturbance will limit the type of use of fertilizers.

Commissioner Peace asked to see any major changes at the April meeting. Ms. McLain Aardal stated she will have the comments by the middle of March and she will plan a public hearing in April and send out notices. If there are no significant changes the public hearing will be canceled. Ecology either wants the City to allow or not allow to build in the 200 foot set back buffer back from the river. Also no Conditional Use Permits would be allowed. The Commissioners would like to get an early final draft of the SMP to review before a hearing. If 5 or more of the Commissioners agree on a public hearing the hearing will be held.

- **Code Update Status**

Commissioner DiTuri asked if any other study sessions are scheduled on the code update. The next special Planning and Community Development Committee meeting is this Thursday, March 5. Staff is trying to make a six month deadline. No special Planning Commission meeting is scheduled at this time.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 8:35 p.m.